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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,446	11/02/2000	Amar S. Gandhi	3382-56401	6409
26119	7590	05/24/2005	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			VAUGHN JR, WILLIAM C	
		ART UNIT	PAPER NUMBER	
		2143		
DATE MAILED: 05/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/706,446	GANDHI ET AL.	
	Examiner	Art Unit	
	William C. Vaughn, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This Action is in regards to the Amendment and Response dated 20 October 2004.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 and 10-23 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *from the first computer... connecting the first and the second computer*) to the claims which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8 and 10-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al., (Krishnamurthy), U.S. Patent No. 6,389,464 in view of Humpleman et al. (Humpleman), U.S. Patent No. 6,546,419.

5. Regarding **claim 1**, Krishnamurthy discloses the invention substantially as claimed. Krishnamurthy discloses *a method of programmatically controlling a service of a logical device realized on a first computer on a data communications network via peer-to-peer networking*

connectivity from a second computer on the data communications network, the method comprising: obtaining at the second computer a service description message of the service from the first computer, the service description message detailing a set of actions that can be invoked on the service via network data messages conveyed to the first computer via peer-to-peer networking connectivity over the data communications network connecting the first and the second computer (Krishnamurthy teaches a web server allows communication between a remote computer and the site server using HTTP and HTML. That the HTTP transactions requests a specific page and optional query information), [see Krishnamurthy, Col. 7, lines 54-65]. However, Krishnamurthy does not explicitly disclose from the first computer and exposing a programming interface to access by software programs running on the second computer, the programming interface having an action-invoking member; based on the service description message, converting a programmatic invocation of the action-invoking member of the programming interface by a software program running on the second computer into a network data message for invoking an action of the service via peer-to-peer networking connectivity over the data communications network and transmitting the network data message to the first computer to thereby invoke the action of the service.

6. In the same field of endeavor, Humpleman discloses (e.g., method and apparatus for user and device command and control in a network). Humpleman discloses *from the first computer and exposing a programming interface to access by software programs running on the second computer, the programming interface having an action-invoking member; based on the service description message, converting a programmatic invocation of the action-invoking member of the programming interface by a software program running on the second computer into a*

network data message for invoking an action of the service via peer-to-peer networking connectivity over the data communications network and transmitting the network data message to the first computer to thereby invoke the action of the service [see Humpleman, Figures 17 thru 24, Col. 14, lines 20-38, Col. 15, lines 39-49, Col. 21, lines 47-67 and Col. 22, lines 1-35].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Humpleman's teachings of method and apparatus for user and device command and control in a network with the teachings of Krishnamurthy, for the purpose of providing a system and method with the capability for dynamic control and command devices in a home network, whereas it gives the ability to allow various software applications to automatically command and control other various software application, wherein said software applications can be located indifferent network devices [see Humpleman, Col. 2, lines 39-49]. By this rationale **claim 1** is rejected.

8. Regarding **claim 2**, Krishnamurthy-Humpleman discloses *wherein the network data message for invoking the action is a mark-up language text message* [see Krishnamurthy, Col. 7, lines 54-65 and Col. 8, lines 5-61]. By this rationale **claim 2** is rejected.

9. Regarding **claim 3**, Krishnamurthy-Humpleman discloses *wherein the programming interface is an object integration according to an object-oriented programming model* [see Krishnamurthy, Col. 8, lines 43-44]. By this rationale **claim 3** is rejected.

10. Regarding **claim 4**, Krishnamurthy-Humpleman discloses *wherein the programming interface is a run-time dispatching interface* [see Krishnamurthy, Col. 8, lines 43-47]. By this rationale **claim 4** is rejected.

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11. Regarding **claim 5**, Krishnamurthy-Humbleman discloses *wherein the action-invoking member accepts an invocation parameter indicating the action of the service that is to be invoked* [see Krishnamurthy, Col. 8, lines 40-67]. By this rationale **claim 5** is rejected.

12. Regarding **claim 6**, Krishnamurthy-Humbleman discloses *wherein the programming interface further has a service state-querying member, the method further comprising: responsive to programmatic invocation of the service state-querying member by the software programs running on the second computer, obtaining state data of the service via peer-to-peer networking connectivity over the data communication* [see Humbleman, Col. 5, lines 55-67 and Col. 6, lines 1-60]. The same rationale that was utilized in the combination of claim 1, applies equally as well to claim 6. By this rationale **claim 6** is rejected.

13. Regarding **claim 7**, Krishnamurthy-Humbleman discloses *wherein the programming interface has a service state-querying member that accepts an invocation parameter indicative of a state data variable of the service, the method further comprising: responsive to programmatic invocation of the service state-querying member by the software programs running on the second computer, obtaining a value of the state data variable of the service via peer-to-peer networking connectivity over the data communication network* [see Humbleman, Col. 5, lines 55-67 and Col. 6, lines 1-60]. The same rationale that was utilized in the combination of claim 1, applies equally as well to claim 7. By this rationale **claim 7** is rejected.

14. Claims 8 and 10-12 list all the same elements of claims 1-7, but in device form rather than method form. Therefore, the supporting rationale of the rejection to claims 1-7 applies equally as well to claims 8 and 10-12.

15. Claims 13-16 list all the same elements of claims 1-7, but in computer readable medium form rather than method form. Therefore, the supporting rationale of the rejection to claims 1-7 applies equally as well to claims 13-16. The Examiner interprets the limitation of a computer-readable data-carrying medium to mean software program code stored on a memory.

16. Claims 17-23 list all the same elements of claims 1-7, but in software module form rather than method form. Therefore, the supporting rationale of the rejection to claims 1-7 applies equally as well to claims 17-23.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. **Claims 1-8 and 10-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (Humpleman), U.S. Patent No. 6,546,419.

19. Regarding **claim 1**, Humpleman discloses *a method of programmatically controlling a service of a logical device realized on a first computer on a data communications network via peer-to-peer networking connectivity from a second computer on the data communications network, the method comprising: from the first computer obtaining at the second computer a service description message of the service from the first computer, the service description message detailing a set of actions that can be invoked on the service via network data messages*

conveyed to the first computer via peer-to-peer networking connectivity over the data communications network connecting the first and the second computer [see Humpleman, Col. 13, lines 9-56 and Col. 15, lines 8-27]; exposing a programming interface to access by software programs running on the second computer, the programming interface having an action-invoking member; based on the service description message, converting a programmatic invocation of the action-invoking member of the programming interface by a software program running on the second computer into a network data message for invoking an action of the service via peer-to-peer networking connectivity over the data communications network and transmitting the network data message to the first computer to thereby invoke the action of the service [see Humpleman, Figures 17 thru 24, Col. 14, lines 20-38, Col. 15, lines 39-49, Col. 21, lines 47-67 and Col. 22, lines 1-35]. By this rationale claim 1 is rejected.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

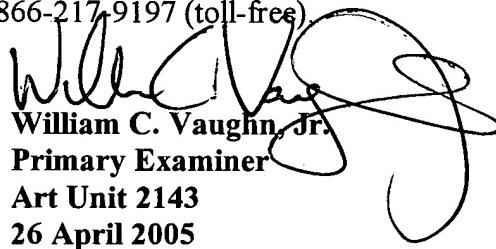
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
26 April 2005

WCV